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Arizona Department of Education  
Office of Superintendent of Public Instruction John Huppenthal

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### **Superintendent of Public Instruction John Huppenthal Rules Tucson Unified School District Out of Compliance with A.R.S. § 15-112**

**Phoenix, AZ, June 15, 2011**– Today, Superintendent of Public Instruction John Huppenthal announced his determination that the Tucson Unified School District (TUSD) is not in compliance with A.R.S. §15-112. This ruling comes after the Arizona Department of Education investigation and review of TUSD's Mexican American Studies Department's classroom materials and instructional content.

"This decision is not about politics, it is about education," said Superintendent Huppenthal. "In my role as State Superintendent of Public Instruction, I have a legal responsibility to uphold the law and a professional imperative to ensure every student has access to an excellent education."

A.R.S. §15-112 reads as follows: Prohibited courses and classes; enforcement

A. A school district or charter school in this state shall not include in its Program of instruction any courses or classes that include any of the following:

1. Promote overthrowing the U.S. government;
2. Promote resentment towards a race or class of people;
3. Are designed primarily for pupils of a particular ethnic race; and
4. Advocate ethnic solidarity instead of the treatment of pupils as individuals."

Specifically, Superintendent Huppenthal found TUSD violated the following sections of A.R.S. §15-112:

*§15-112 A (2) – Promote resentment towards a race or class of people:* Materials gathered by, and submitted to, the Arizona Department of Education, as well as the materials the auditors reviewed contained content promoting resentment towards a race or class of people.

*§15-112 A (3) – Are designed primarily for pupils of a particular ethnic race:* In addition to the reviewed classroom materials and instructional content, the Mexican American Studies Department website clearly indicates the Program is primarily designed for pupils of a particular ethnic race.

*§15-112 A (4) – Advocate ethnic solidarity instead of the treatment of pupils as individuals:* Reviewed Mexican American Studies Program materials repeatedly emphasize the importance of building Latino nationalism and unity versus identifying students as individuals.

“Throughout this investigation, it became very apparent that the evidence provided by the independent curriculum audit and the totality of all the information gathered, that the Tucson Unified School District Governing Board failed to provide the statutorily required curriculum development and oversight of its Mexican American Studies Program,” explained the Superintendent. “The Tucson Unified School District Governing Board failed to comply not only to state statutes, but with its own adopted policies on curriculum development and its text and materials approval process.”

“As a result of the investigation and review of the Mexican American Studies Program and its classroom materials and instructional content, I find there is substantial evidence of a clear violation of Arizona Revised Statute Section 15-112 by the Tucson Unified School District,” declared Superintendent Huppenthal at the end of the press conference.

In accordance with state statute, the Tucson Unified School District Governing Board 60 days to bring the Mexican American Studies Program into compliance with A.R.S. §15-112. Failure to do so shall result in the withholding of 10% of the monthly apportionment of state aid to Tucson Unified School District until such time as they come into compliance.

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